

1 BRIAN A. GONSALVES, ESQ., SBN 9815  
2 703 S. Eighth Street  
3 Las Vegas, NV 89101  
4 530-386-6845  
5 530-553-1212 (fax)  
6 bgonsalves@live.com  
7 Attorney for Plaintiffs

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COUNSEL/PARTIES OF RECORD	
APR 27 2016	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY:	DEPUTY

6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA  
8

9 TAMMY SMITH, individually and as the  
10 personal representative of Chris Smith,  
11 Deceased; P.M., a minor by and through her  
12 Guardian ad Litem; and J.E., a minor by and  
13 through his Guardian ad Litem;

14 Plaintiffs,

15 vs.

16 NEVADA WEST RECYCLING CORP, a  
17 Nevada Corporation, STANLEY LEVERS, an  
18 individual, and DOES 1 through 25,

19 Defendants.

Case No.: 3:15-cv-00252-HDM-VPC

**MOTION FOR LEAVE TO FILE UNDER**

**SEAL**

20 Pursuant to LR IA 10-5, Brian A. Gonsalves, Esq., attorney for Plaintiffs TAMMY  
21 SMITH, P.M., a minor by and through her Guardian ad Litem, and J.E., a minor by and through  
22 his Guardian ad Litem, move this Court for leave to file the *Ex Parte Motion for Order Revoking*  
23 *Approval of Pro Hac Vice Petition* under seal.

24 These motions are filed ex parte so as to protect the progress of the pending settlement in  
25 this matter. It is intended that these motions only be viewed by the Court, Mr. Gonsalves and  
26 Mr. Fell at this time. The information and communications provided here and in the *Ex Parte*  
27 *Motion for Order Revoking Approval of Pro Hac Vice Petition* are limited to the minimum  
28 necessary to support these motions and do not constitute a waiver of any privileges such as the  
attorney-client privilege or the work product doctrine, and no such waivers are intended. If

1 defense counsel has inadvertently received a copy of either of these motions, they are instructed  
2 to stop reading immediately.

3 This motion is supported by the papers and pleadings on file in this action, and the  
4 memorandum of points and authorities below.

5 **I. MEMORNDUM OF POINTS AND AUTHORITIES**

6 **1. Standard of Law.**

7 LR IA 10-5 provides:

8 "Unless otherwise permitted by statute, rule or prior Court order, papers filed  
9 with the Court under seal shall be accompanied by a motion for leave to file  
10 those documents under seal, and shall be filed in accordance with the Court's  
electronic filing procedures."

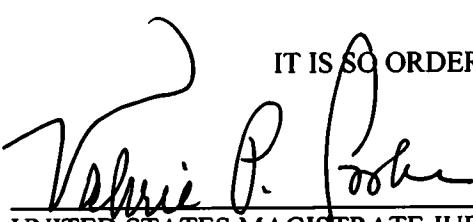
11 **2. Legal Argument.**

12 During the April 20, 2016, hearing on the *Notice of Disassociation*, the Court directed  
13 Mr. Gonsalves to file his motion seeking the revocation of attorney Bradley Fell's pro hac vice  
14 admission no later than Friday, April 22, 2016. The *Ex Parte Motion for Order Revoking*  
15 *Approval of Pro Hac Vice Petition* contains information and communications between Plaintiffs'  
16 attorneys. In light of the pending settlement and ongoing state of this litigation and so as to  
17 promote the best interests of the clients, it is respectfully requested that the Court grant leave to  
18 file said motion under seal.

19 Dated: April 22, 2016.

20 By: /s/ Brian A. Gonsalves  
21 BRIAN A. GONSALVES, ESQ., SBN 9815  
22 Attorney for Plaintiffs

23 IT IS SO ORDERED:  
24  
25  
26  
27  
28

  
UNITED STATES MAGISTRATE JUDGE,

DATED: April 27, 2016

**CERTIFICATE OF SERVICE**

2 Case No.: 3:15-cv-00252-HDM-VPC

3 Pursuant to FRCP 5, I certify that I am an employee of, and that on this date I deposited  
4 for mailing postage prepaid at Kings Beach, California, a true copy of the **EX PARTE**  
5 **MOTION FOR LEAVE TO FILE UNDER SEAL** addressed to:

6 Bradley D. Fell, Esq.  
7 590 Lennon Lane, Suite 120  
Walnut Creek, California, 94598

10 | DATED: April 22, 2016:

/s/ Brian A. Gonsalves, Esq.  
Brian A. Gonsalves, Esq.